IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital: the 15th of September 2005
Bail Application no 567 of 2005
Order on the bail application of accused

CRIMINAL SIDE

Dhan Lal S/o Radhik Prasad
R/o Village Parsia,
Tehsil Tarab Gang
P.S. Wajiragang, District
Gonda(Uttar Pradesh) ... Applicant

Versus

State of Uttaranchal ... Opposite party

Arising out of case crime No. 19/2005
U/S 364/302/201 IPC
P.S. Rajpur
Districrt Dehradun

By the Court

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime No. 19 of 2005 under Sections 364, 302, 201 I.P.C. P.S. Rajpur, District Dehradun.

Heard Sh. Lokendra Dobhal, learned counsel for the applicant, learned A.G.A. and perused the record.

The applicant is not named in the First Information Report but the record reveals that subsequently on the statement of witnesses, the motive to commit crime was available to the applicant of Vinay on account of the fact that the deceased was the only son and after his death, the applicant/accused along with the co-accused had an intention to grab the property of the father of the deceased.

Apart from the motive, the evidence of the last seen is also there. One of the witnesses Kamal Kant has stated that applicant along with another co-accused was seen in the company of the deceased lastly before the murder took place. This witness has stated that on 15.3.2005 at 12:00 noon the deceased alongwith accused Pappu @ Nanku and Dhan Lal (applicant)

had come at his tea stall and they took tea and snacks thereafter left the place together.

After the arrest of the applicant/accused and his associates, the recovery of the skeleton of the body of the deceased was made out on the pointing out of the accused/applicant. Apart from the skeleton of the body of the deceased, the recovery of blood stained stone used in the commission of crime as well as the belt and one shoe of the deceased were also recovered from the place where the skeleton of the deceased was lying.

Keeping in view the aforesaid facts and circumstances of the case, I do not find any ground for granting the bail to the applicant at this stage.

Accordingly, the bail application is rejected.

(B.C. Kandpal, J.)

15.9.2005
NBJ